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CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2163**

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**Introduced by Assembly Member Nava**

February 21, 2006

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An act to amend Sections 37252, 37252.8, and 51745 of, to add Sections 46145.3, ~~46145.5~~, 48200.3, and 51747.2 to, and to repeal and add Section 46145 of, the Education Code, relating to pupils.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2163, as amended, Nava. Pupils: supplemental instruction.

(1) Existing law authorizes the governing board of a school district and a charter school maintaining any of grades 2 to 6, inclusive, to offer programs of direct, systematic, and intensive supplemental instruction to a pupil enrolled in grades 2 to 6, inclusive, who has been identified as having a deficiency in mathematics, reading, or written expression based on the results of a test administered under the Standardized Testing and Reporting (STAR) Program or who has been identified as being at risk of retention.

Existing law authorizes a school district or charter school that offers the specified supplemental instruction to receive reimbursement in an amount up to 5% of the total enrollment of the school district or

charter school in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year, determined as specified, with the balance of any appropriation made for these purposes to be allocated for reimbursement for supplemental instruction where pupil attendance in the supplemental instruction is in excess of 5%, but not in excess of 7%, of the total enrollment of the school district or charter school in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year, determined as specified.

This bill, instead, would authorize a school district or charter school that offers the specified supplemental instruction to receive reimbursement in an amount up to 10% of the total enrollment of the school district or charter school in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year, determined as specified, with the balance of any appropriation made for these purposes to be allocated for reimbursement for supplemental instruction where pupil attendance in the supplemental instruction is in excess of 10%, but not in excess of 15%, of the total enrollment of the school district or charter school in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year, determined as specified.

(2) Existing law defines the minimum schoolday in a high school, with specified exceptions, as 240 minutes.

This bill would prohibit a school district or county office of education from allowing a pupil who has not passed the ~~California High School Exit Examination~~ *high school exit examination* to attend a minimum schoolday, as defined, except as specified.

The bill would prohibit a school district or county office of education from allowing a pupil who has not passed the ~~California High School Exit Examination~~ *high school exit examination* to enroll in ~~work experience education programs or office or teacher assistant courses~~.

*The bill would require a school district or county office of education to allow a pupil in grade 11 who has not passed the high school exit examination and scored at the far below basic level in English language arts and mathematics in the California Standards Tests administered in grade 10 to enroll in a work experience education program if specified conditions are satisfied. The bill would require a*

*school district or county office of education to allow a pupil in grade 12 who has not passed the high school exit examination to enroll in a work experience education program if a determination is made that enrollment in such a program is appropriate for the pupil, as specified.*

The bill would authorize a school district or county office of education to authorize a pupil in grade 12 who is 18 years of age or older and has not passed the ~~California High School Exit Examination~~ *high school exit examination* to attend a minimum schoolday, as defined, if the pupil signs a statement indicating that he or she is fully informed of the potential consequences of attending school less than full time.

The bill would authorize a school district or county office of education to authorize a pupil in grade 12 who is less than 18 years of age and has not passed the ~~California High School Exit Examination~~ *high school exit examination* to attend a minimum schoolday, if the pupil and the pupil's parent or legal guardian both sign a statement indicating that they are fully informed of the potential consequences of attending school less than full time.

~~The bill would require a school district or county office of education to require each high school within its jurisdiction to that enrolls pupils in any of grades 10 or 12 to develop a written individualized learning plan to assist each pupil in grade 10 or 12 who has not passed the high school exit examination. The bill would require a school district or county office of education to require each school within its jurisdiction that enrolls pupils in grade 7 to develop a written individualized learning plan to assist each pupil in grade 7 who is deemed at the far below basic level in English language arts or mathematics pursuant to the California Standards Test administered in grade 6. The bill would require that those plans include the requisite coursework and experience the pupil needs in order to pass the high school exit examination, complete all other requirements for graduation from high school, and successfully transition to postsecondary education or employment.~~

~~The bill would require a school district or county office of education to require each school within its jurisdiction to offer and schedule an individual conference with each pupil, his or her parent or legal guardian, and a school representative, to provide a review of the pupil's status in passing the examination, or the pupil's score on the English language arts or mathematics portion of the California~~

~~Standards Test administered in grade 8, as applicable, and develop a written individualized learning plan to assist the pupil in reaching his or her educational and career goals.~~

The bill would require a school district or county office of education to allow a pupil who is 18 years of age or older and enrolled in grade 12 to complete that school year in a high school program, as determined by governing board policy. The bill would require a school district or county office of education to allow a pupil who has not completed all high school graduation requirements or passed both sections of the ~~California High School Exit Examination~~ *high school exit examination* on or before the end of the 4th year of high school to enroll in and attend a high school program during the next school year, as determined by governing board policy, if the pupil enrolls in the 5th year of high school before attaining 19 years of age. The bill would require a school district or county office of education to provide the pupil with specified educational options, pursuant to an individualized learning plan for each pupil, for enrollment of pupils beyond the 4th year of high school, if the pupil is making progress under governing board policy towards completion of graduation requirements. The bill would exempt a pupil subject to these provisions from the requirement above that pupils in grade 12 who have not passed the ~~California High School Exit Examination~~ *high school exit examination*, or who have been determined under governing school board policy to be deficient in the credits required for high school graduation, to be enrolled full time in at least 6 courses each semester or the equivalent number of courses per quarter.

Because these requirements would impose additional duties on school districts and county offices of education, the bill would establish a state-mandated local program.

(3) Existing law prohibits more than 10% of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the State Department of Education, from being eligible for apportionment credit for independent study. A pupil who is pregnant, or a pupil who is a parent and is the primary caregiver for one or more of his or her children, is not counted within the specified 10% cap.

This bill would prohibit a pupil who has not passed the ~~California High School Exit Examination~~ *high school exit examination* from being counted within the specified 10% cap.

The bill would make a school district, county office of education, or charter school eligible, on or after July 1, 2008, to receive apportionments for independent study by pupils, regardless of age, only if it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent of Public Instruction that include (a) a requirement that the school district, county office of education, or charter school use a diagnostic evaluation or assessment tool to evaluate the academic achievement of each pupil who applies for independent study, and evaluate the pupil's ability to work independently under the general supervision of a credentialed teacher or teachers, for the purpose of providing appropriate interventions and individualized assistance to enable each pupil to be successful in independent study; and (b) a requirement that all pupils who choose independent study be provided with the level of support and materials necessary for pupil success. The bill would require the Superintendent to adopt those rules and regulations by January 1, 2008.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 37252 of the Education Code is  
2 amended to read:  
3 37252. (a) The governing board of each school district  
4 maintaining any or all of grades 7 to 12, inclusive, shall offer,  
5 and a charter school may offer, supplemental instructional  
6 programs including, but not limited to, direct, systematic, and  
7 intensive instruction, for pupils enrolled in grades 7 to 12,  
8 inclusive, who do not demonstrate sufficient progress toward  
9 passing the exit examination required for high school graduation

1 pursuant to Chapter 8 (commencing with Section 60850) of Part  
2 33.

3 (b) Sufficient progress, as described in subdivision (a), shall  
4 be determined on the basis of either of the following:

5 (1) The results of the assessments administered pursuant to  
6 Article 4 (commencing with Section 60640) of Chapter 5 of Part  
7 33 and the minimum levels of proficiency recommended by the  
8 state board pursuant to Section 60648.

9 (2) The pupils' grades and other indicators of academic  
10 achievement designated by the district.

11 (c) For purposes of this section, a pupil shall be considered to  
12 be enrolled in a grade immediately upon completion of the  
13 preceding grade. Supplemental instruction may also be offered to  
14 a pupil who was enrolled in grade 12 during the prior school  
15 year.

16 (d) For the purposes of this section, pupils who do not possess  
17 sufficient English language skills to be assessed, as set forth in  
18 Sections 60850 and 60853, shall be considered pupils who do not  
19 demonstrate sufficient progress toward passing the exit  
20 examination required for high school graduation and shall  
21 receive supplemental instruction designed to assist pupils to  
22 succeed on the high school exit examination.

23 (e) Except as provided in subdivision (h), programs may be  
24 offered pursuant to this section during the summer, including  
25 through a summer academic support or enrichment program,  
26 before school, after school, on Saturday, or during intersession,  
27 or in any combination of summer, before school, after school,  
28 Saturday, or intersession instruction, but shall be in addition to  
29 the regular schoolday. Any minor pupil whose parent or guardian  
30 informs the school district that the pupil is unable to attend a  
31 Saturday school program for religious reasons, or any pupil 18  
32 years of age or older who states that he or she is unable to attend  
33 a Saturday school program for religious reasons, shall be given  
34 priority for enrollment in supplemental instruction offered at a  
35 time other than Saturday over a pupil who is not unable to attend  
36 a Saturday school program for religious reasons.

37 (f) A school district or charter school offering supplemental  
38 instructional programs pursuant to this section shall receive  
39 funding as described in Section 42239 and in the annual Budget  
40 Act.

1 (g) Notwithstanding any other provision of law, neither the  
2 state board nor the Superintendent may waive any provision of  
3 this section.

4 (h) Funds received for supplemental instruction pursuant to  
5 this section may also be used to provide intensive instruction and  
6 services to eligible pupils pursuant to Section 37254.

7 SEC. 2. Section 37252.8 of the Education Code is amended to  
8 read:

9 37252.8. (a) The governing board of a school district and a  
10 charter school maintaining any of grades 2 to 6, inclusive, may  
11 offer programs of direct, systematic, and intensive supplemental  
12 instruction to a pupil enrolled in any of grades 2 to 6, inclusive,  
13 who meets either of the following criteria:

14 (1) The pupil has been identified as having a deficiency in  
15 mathematics, reading, or written expression based on the results  
16 of a test administered under the Standardized Testing and  
17 Reporting Program established pursuant to Article 4  
18 (commencing with Section 60640) of Chapter 5 of Part 33.

19 (2) The pupil has been identified as being at risk of retention  
20 pursuant to Section 48070.5.

21 (b) Supplemental educational services offered pursuant to this  
22 section may be offered during the summer, before school, after  
23 school, on Saturdays, or during intersession, or in a combination  
24 of summer school, before school, after school, Saturday, or  
25 intersession instruction. Services shall not be provided during the  
26 regular instructional day of the pupil. A minor pupil whose  
27 parent or guardian informs the school district that the pupil is  
28 unable to attend a Saturday school program for religious reasons,  
29 or a pupil 18 years of age or older who states that he or she is  
30 unable to attend a Saturday school program for religious reasons,  
31 shall be given priority for enrollment in supplemental instruction  
32 offered at a time other than Saturday, over a pupil who is not  
33 unable to attend a Saturday school program for religious reasons.

34 (c) For purposes of this section, a pupil shall be considered to  
35 be enrolled in a grade immediately upon completion of the  
36 preceding grade. Summer school instruction may also be offered  
37 to a pupil who was enrolled in grade 6 during the prior school  
38 year.

39 (d) An intensive remedial program in reading or written  
40 expression offered pursuant to this section shall, as needed,

1 include instruction in phoneme awareness, systematic explicit  
2 phonics and decoding, word attack skills, spelling and  
3 vocabulary, explicit instruction of reading comprehension,  
4 writing, and study skills.

5 (e) A school district or charter school shall seek the active  
6 involvement of parents and classroom teachers in the  
7 development and implementation of supplemental instructional  
8 programs provided pursuant to this section.

9 (f) It is the intent of the Legislature that a pupil who is at risk  
10 of failing to meet state-adopted standards, or who is at risk of  
11 retention, be identified as early in the school year, and as early in  
12 his or her school career as possible and be provided the  
13 opportunity for supplemental instruction sufficient to assist him  
14 or her in attaining expected levels of academic achievement.

15 (g) (1) A school district or charter school that offers  
16 instruction pursuant to this section shall be entitled to receive  
17 reimbursement in an amount up to 10 percent of the total  
18 enrollment of the school district or charter school in grades 2 to  
19 6, inclusive, for the prior fiscal year multiplied by 120 hours,  
20 multiplied by the hourly rate for the current fiscal year  
21 determined pursuant to subdivision (b) of Section 42239.

22 (2) The balance of the appropriation made for the purposes of  
23 funding programs offered pursuant to this section to serve pupils  
24 in grades 2 to 6, inclusive, shall be allocated for reimbursement  
25 of pupil attendance in instruction pursuant to subdivision (a) that  
26 is in excess of 10 percent, but not in excess of 15 percent, of the  
27 enrollment of the school district or charter school for the prior  
28 year in grades 2 to 6, inclusive, multiplied by 120 hours,  
29 multiplied by the hourly rate for the current fiscal year  
30 determined pursuant to subdivision (b) of Section 42239.

31 (h) Notwithstanding any other provision of law, neither the  
32 state board nor the Superintendent may waive any provision of  
33 this section.

34 SEC. 3. Section 46145 of the Education Code is repealed.

35 SEC. 4. Section 46145 is added to the Education Code, to  
36 read:

37 46145. (a) The Legislature hereby finds and declares all of  
38 the following:

39 (1) It is the fundamental purpose of the educational system in  
40 California to equip all pupils with the knowledge and skills to

1 succeed in postsecondary education and careers, and as parents  
2 and citizens.

3 (2) Pupils who do not graduate are six times more likely to  
4 live in poverty than those with a high school diploma. Pupils who  
5 graduate with a diploma from high school earn twice as much on  
6 average than those who drop out of high school. Individuals with  
7 some college or advanced training earn on average twice that of  
8 individuals with a high school diploma, and individuals with a  
9 bachelor's degree earn over three times that of individuals with a  
10 high school diploma, over the course of a lifetime.

11 (3) The costs to society, business, and the individual of failing  
12 to complete a high school education are many and varied. These  
13 costs include behavioral and human elements, economic  
14 consequences, such as reduction in personal income and loss in  
15 state revenue, and increased public assistance and involvement in  
16 the penal system.

17 (4) Pupils who want to earn a high school diploma and who  
18 have not passed the ~~California High School Exit Examination~~  
19 *high school exit examination* or completed all other graduation  
20 requirements by the end of grade 12 must be provided options to  
21 continue to develop their academic and technical skills in an  
22 appropriate educational setting with a full range of appropriate  
23 educational support.

24 (5) Often, pupils, parents, educators, and policymakers have  
25 demonstrated concern over the lack of rigor and relevance of the  
26 senior year and the resulting time and opportunity that is lost.

27 (6) Assisting pupils to graduate from high school, and  
28 thoroughly preparing pupils for transition to, and success in,  
29 postsecondary education and careers is imperative to California's  
30 economic development and the quality of life for its residents.

31 (b) Pupils in grade 12 shall be enrolled in at least five courses  
32 each semester or the equivalent number of courses per quarter. If  
33 any pupil who is subject to this paragraph is required by a  
34 medical prescription to attend school for less than five courses  
35 during the semester or the equivalent number of courses during  
36 the quarter, the average daily attendance allowed for that pupil's  
37 attendance shall bear the same proportion to one day of  
38 attendance as the number of courses in which the pupil is  
39 enrolled bears to five or the equivalent number for the quarter  
40 system.

(c) Subdivision (b) does not apply to pupils enrolled in a regional occupational program, a regional occupational center, a course at an accredited postsecondary educational institution, independent study, a special education program where the pupil's individualized education program establishes a different number of courses, a continuation high school, a county community school, a county court school, or a registered apprenticeship program or apprenticeship preparation program, or any other course of study authorized by the governing board that is equivalent to the approved high school course of study.

SEC. 5. Section 46145.3 is added to the Education Code, to read:

46145.3. (a) A school district or county office of education shall not allow a pupil who has not passed the ~~California High School Exit Examination~~ *high school exit examination* to enroll in ~~work experience education programs approved under Article 7 (commencing with Section 51760) of Chapter 5 of Part 28, or in~~ office or teacher assistant courses.

(b) Except as authorized under subdivision ~~(c) or (d)~~ *(e) or (f)*, a school district or county office of education shall not allow a pupil who has not passed the high school exit examination to attend a minimum schoolday, as defined in Section 46141, unless the pupil is enrolled in a regional occupational program, a regional occupational center, a course at an accredited postsecondary educational institution, independent study, a special education program in which the individualized education program for the pupil establishes a different minimum schoolday, a continuation high school, a county community school, a county court school, or a registered apprenticeship program or apprenticeship preparation program, or any other course of study authorized by the governing board that is equivalent to the approved high school course of study.

*(c) A school district or county office of education shall allow a pupil in grade 11 who has not passed the high school exit examination and scored at the far below basic level in English language arts and mathematics in the California Standards Tests administered in grade 10 to enroll in a work experience education program approved pursuant to Article 7 (commencing with Section 51760) of Chapter 5 of Part 28 during the sixth and*

1 *seventh periods of the schoolday if both of the following*  
2 *conditions are satisfied:*

3 *(1) The pupil is enrolled in at least five academic courses of*  
4 *instruction each semester, or the equivalent number of courses*  
5 *each quarter.*

6 *(2) The pupil, his or her parent or guardian, and the principal*  
7 *of the school or his or her designee sign a statement indicating*  
8 *that the pupil is aware of the consequences of not enrolling in*  
9 *additional academic courses of instruction due to his or her*  
10 *enrollment in a work experience education program.*

11 *(d) A school district or county office of education shall allow a*  
12 *pupil in grade 12 who has not passed the high school exit*  
13 *examination to enroll in a work experience education program*  
14 *approved pursuant to Article 7 (commencing with Section 51760)*  
15 *of Chapter 5 of Part 28 if a determination is made in a*  
16 *counseling session for the pupil regarding the examination that it*  
17 *is appropriate for the pupil to enroll in a work experience*  
18 *education program.*

19 ~~(e)~~

20 *(e) A school district or county office of education may*  
21 *authorize a pupil in grade 12 who is 18 years of age or older and*  
22 *has not passed the California High School Exit Examination high*  
23 *school exit examination to attend a minimum schoolday, as*  
24 *defined in Section 46141, if the pupil signs a statement indicating*  
25 *that he or she is fully informed of the potential consequences of*  
26 *attending school less than full time.*

27 ~~(f)~~

28 *(f) A school district or county office of education may*  
29 *authorize a pupil in grade 12 who is less than 18 years of age and*  
30 *has not passed the California High School Exit Examination high*  
31 *school exit examination to attend a minimum schoolday, as*  
32 *defined in Section 46141, if the pupil and the pupil's parent or*  
33 *legal guardian both sign a statement indicating that they are fully*  
34 *informed of the potential consequences of attending school less*  
35 *than full time.*

36 ~~SEC. 6. Section 46145.5 is added to the Education Code, to~~  
37 ~~read:~~

38 ~~46145.5. (a) (1) A school district or county office of~~  
39 ~~education shall require each high school within its jurisdiction~~  
40 ~~that enrolls pupils in any of grades 10 or 12 to develop a written~~

1 individualized learning plan to assist each pupil in grade 10 or 12  
2 who has not passed the high school exit examination. The plan  
3 shall include the requisite coursework and experience the pupil  
4 needs in order to pass the examination, complete all other  
5 requirements for graduation from high school, and successfully  
6 transition to postsecondary education or employment.

7 (2) A school district or county office of education shall require  
8 each school within its jurisdiction that enrolls pupils in grade 7 to  
9 develop a written individualized learning plan to assist each pupil  
10 in grade 7 who is deemed at the far below basic level in English  
11 language arts or mathematics pursuant to the California  
12 Standards Tests administered to pupils in grade 6. The plan shall  
13 include the requisite coursework and experience the pupil needs  
14 in order to pass the high school exit examination, complete all  
15 other requirements for graduation from high school, and  
16 successfully transition to postsecondary education or  
17 employment.

18 (b) A school district or county office of education shall require  
19 each school within its jurisdiction to offer and schedule an  
20 individual conference with each pupil, his or her parent or legal  
21 guardian, and a school representative, as required under this  
22 section.

23 (1) The school representative shall review the pupil's status in  
24 passing the examination, or the pupil's score on the English  
25 language arts or mathematics portion of the California Standards  
26 Test administered in grade 6, as applicable. The parent or legal  
27 guardian and the pupil shall be apprised of the consequences of  
28 not passing the examination and of the programs, courses, and  
29 options available for pupils who have not passed the  
30 examination, or are at risk of not passing the examination.

31 (2) The school representative shall review the pupil's  
32 cumulative records, transcript, progress towards completing the  
33 graduation requirements, performance on standardized and  
34 diagnostic assessments, related remediation strategies, available  
35 high school courses, alternative education options, and  
36 information on postsecondary education and training.

37 (3) The school representative and the pupil shall develop a  
38 written individualized learning plan to assist the pupil in reaching  
39 his or her educational and career goals. The plan shall include the  
40 courses and experiences necessary to pass the California High

1 ~~School Exit Examination, complete high school, and transition to~~  
2 ~~postsecondary education or employment. A copy of the plan shall~~  
3 ~~be given to the parent or legal guardian and the pupil.~~

4 ~~SEC. 7.~~

5 *SEC. 6.* Section 48200.3 is added to the Education Code, to  
6 read:

7 48200.3. (a) The school district or county office of education  
8 shall allow a pupil who is 18 years of age or older and enrolled in  
9 grade 12 to complete that school year in a high school program,  
10 as determined by governing board policy.

11 (b) The school district or county office of education shall  
12 allow a pupil who has not completed all high school graduation  
13 requirements or passed both sections of the ~~California High~~  
14 ~~School Exit Examination~~ *high school exit examination* on or  
15 before the end of the fourth year of high school to enroll in and  
16 attend a high school program during the next school year, as  
17 determined by governing board policy, if the pupil enrolls in the  
18 fifth year of high school upon or before attaining 19 years of age.

19 (c) The school district or county office of education shall  
20 provide the pupil with educational options, pursuant to an  
21 individualized learning plan for each pupil, for enrollment of  
22 pupils beyond the fourth year of high school, if the pupil is  
23 making progress under governing board policy towards  
24 completion of graduation requirements. These options shall  
25 include, but are not limited to, all of the following:

- 26 (1) Comprehensive high school.
- 27 (2) Continuation high school.
- 28 (3) Independent study.
- 29 (4) Charter school.
- 30 (5) Community day school.
- 31 (6) Opportunity school.
- 32 (7) County court school.
- 33 (8) County community school.
- 34 (9) Adult school.
- 35 (10) Other alternative school.

36 (d) A pupil who is subject to this section is not subject to  
37 paragraph (2) of subdivision (b) of Section 46145.

38 ~~SEC. 8.~~

39 *SEC. 7.* Section 51745 of the Education Code is amended to  
40 read:

1 51745. (a) Commencing with the 1990–91 school year, the  
2 governing board of a school district or a county office of  
3 education may offer independent study to meet the educational  
4 needs of pupils in accordance with the requirements of this  
5 article. Educational opportunities offered through independent  
6 study may include, but shall not be limited to, the following:

7 (1) Special assignments extending the content of regular  
8 courses of instruction.

9 (2) Individualized study in a particular area of interest or in a  
10 subject not currently available in the regular school curriculum.

11 (3) Individualized alternative education designed to teach the  
12 knowledge and skills of the core curriculum. Independent study  
13 shall not be provided as an alternative curriculum.

14 (4) Continuing and special study during travel.

15 (5) Volunteer community service activities that support and  
16 strengthen pupil achievement.

17 (b) Not more than 10 percent of the pupils participating in an  
18 opportunity school or program, or a continuation high school,  
19 calculated as specified by the department, shall be eligible for  
20 apportionment credit for independent study pursuant to this  
21 article. A pupil who is pregnant, or a pupil who is a parent and is  
22 the primary caregiver for one or more of his or her children, shall  
23 not be counted within the 10 percent cap. A pupil who has not  
24 passed the ~~California High School Exit Examination~~ *high school*  
25 *exit examination* shall not be counted within the 10 percent cap.

26 (c) No individual with exceptional needs, as defined in Section  
27 56026, may participate in independent study, unless his or her  
28 individualized education program developed pursuant to Article  
29 3 (commencing with Section 56340) of Chapter 4 of Part 30  
30 specifically provides for that participation.

31 (d) No temporarily disabled pupil may receive individual  
32 instruction pursuant to Section 48206.3 through independent  
33 study.

34 (e) No course included among the courses required for high  
35 school graduation under Section 51225.3 shall be offered  
36 exclusively through independent study.

37 ~~SEC. 9.~~

38 *SEC. 8.* Section 51747.2 is added to the Education Code, to  
39 read:

1 51747.2. On or after July 1, 2008, a school district, county  
2 office of education, or charter school is eligible to receive  
3 apportionments for independent study by pupils, regardless of  
4 age, only if it has adopted written policies, and has implemented  
5 those policies, pursuant to rules and regulations adopted by the  
6 Superintendent by January 1, 2008, that include, but are not  
7 limited to, all of the following:

8 (a) For each pupil who applies for independent study, a school  
9 district, county office of education, or charter school shall use a  
10 diagnostic evaluation or assessment tool to evaluate the pupil's  
11 academic achievement, and shall evaluate the pupil's ability to  
12 work independently under the general supervision of a  
13 credentialed teacher or teachers. Based on this evaluation the  
14 school district or county office of education shall provide  
15 appropriate interventions and individualized assistance to enable  
16 each pupil to be successful in independent study. As a result of  
17 the diagnostic evaluation or assessment, pupils performing below  
18 grade level shall be provided with additional instructional  
19 opportunities, including direct instruction of the pupil by a  
20 credentialed teacher or teachers on at least a weekly basis.

21 (b) All pupils who choose independent study shall be provided  
22 with the level of support and materials necessary for pupil  
23 success, as determined by a school district, county office of  
24 education, or charter school, including, but not limited to, a  
25 learning program aligned to state academic content standards and  
26 suitable to the individual pupil's needs.

27 (c) The requirements of this section do not apply to  
28 classroom-based pupils who must be absent from the classroom  
29 on a temporary basis and who utilize independent study for those  
30 periods of absence.

31 ~~SEC. 10.~~

32 *SEC. 9.* If the Commission on State Mandates determines that  
33 this act contains costs mandated by the state, reimbursement to  
34 local agencies and school districts for those costs shall be made  
35 pursuant to Part 7 (commencing with Section 17500) of Division  
36 4 of Title 2 of the Government Code.

1		_____
2	<b>CORRECTIONS:</b>	
3	<b>Text — Pages 4 and 5.</b>	
4		_____